

AMENDED IN ASSEMBLY APRIL 1, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 1911

Introduced by Assembly Member Galgiani

February 8, 2008

~~An act to amend Section 6060.2 of the Business and Professions Code, relating to attorneys. An act to amend Section 7635 of, and to add Section 7617.3 to, the Business and Professions Code, relating to funeral establishments.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1911, as amended, Galgiani. ~~State Bar of California: moral character investigations. Funeral establishments: funeral counselor licensure.~~

Existing law, the Funeral Directors and Embalmers Law, provides for the licensure and regulation of funeral directors and embalmers, as specified. Existing law requires an applicant for a funeral establishment funeral director's, or embalmers license to meet certain requirements, and makes fraud or misrepresentation in obtaining a license grounds for disciplinary action. Existing law requires a person employed by, or an agent of, a licensed funeral establishment, who consults with the family or representatives of a family of a deceased person for the purpose of arranging services to have received documented training and instruction, as specified, and requires a written outline of the training program to be maintained by the funeral establishment and to be available for inspection and comment by the inspector of the bureau. A violation of the provisions of the Funeral Directors and Embalmers Law is a misdemeanor.

This bill would authorize the bureau to require an applicant for licensure or a licensee to provide copies of all ownership or managerial contracts, as defined, entered into or proposed by the applicant or licensee, and would provide that failure of an applicant to comply with this requirement constitutes misrepresentation in obtaining a license. The bill would also require a person who is employed by, or an agent of, a licensed funeral establishment, who consults with the family or representatives of a family of a deceased person for the purpose of arranging services, to be licensed as a funeral counselor by the bureau. The bill would set forth requirements for licensure as a funeral counselor, and would prohibit a funeral establishment from hiring an unlicensed funeral counselor. The bill would also require a copy of the funeral counselor's license to be maintained in the funeral establishment, as specified.

Because this bill would impose new requirements under the Funeral Directors and Embalmers Law, the violation of which would be a misdemeanor, it would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

~~Existing law, the State Bar Act, provides for the licensure and regulation of attorneys by the State Bar of California. The act provides that investigations or proceedings conducted by the State Bar concerning an applicant's moral character are confidential unless confidentiality is waived, as specified.~~

~~This bill would make a nonsubstantive change to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 7617.3 is added to the Business and
- 2 Professions Code, to read:
- 3 7617.3. (a) The bureau may require an applicant for licensure
- 4 or a licensee under this chapter to provide copies of all ownership
- 5 or managerial contracts entered into, or proposed by, the applicant

1 *or licensee. Failure of an applicant to comply with this requirement*
2 *constitutes misrepresentation under Section 7705.*

3 *(b) For purposes of this section “ownership or managerial*
4 *contract” means any contract relating to the ownership,*
5 *management, operation, administration, or organization of a*
6 *funeral establishment.*

7 *SEC. 2. Section 7635 of the Business and Professions Code is*
8 *amended to read:*

9 7635. (a) Any person employed by, or an agent of, a licensed
10 funeral establishment, who consults with the family or
11 representatives of a family of a deceased person for the purpose
12 of arranging for services as set forth in subdivision (a) of Section
13 7615, *shall be a funeral counselor licensed by the bureau and shall*
14 *receive documented training and instruction*~~which~~ *that results in*
15 *a demonstrated knowledge of all applicable federal and state laws,*
16 *rules, and regulations, including those provisions dealing with vital*
17 *statistics, the coroner, anatomical gifts, and other laws, rules, and*
18 *regulations pertaining to the duties of a funeral director. No funeral*
19 *establishment may hire an unlicensed funeral counselor. A written*
20 *outline of the training program, including documented evidence*
21 *of the training time, place, and participants, and a copy of the*
22 *funeral counselor’s license, shall be maintained in the funeral*
23 *establishment and shall be available for inspection and comment*
24 *by an inspector of the bureau.*

25 (b) This section shall not apply to anyone who has successfully
26 passed the funeral director’s examination pursuant to Section 7622.

27 (c) *In order to qualify as a funeral counselor, an applicant shall*
28 *comply with all of the following requirements:*

29 (1) *Be at least 18 years of age.*

30 (2) *Not have committed any acts or crimes that constitute*
31 *grounds for denial of licensure under Section 480.*

32 (3) *Furnish proof showing completion of the funeral counselor*
33 *training pursuant to subdivision (a) and, if he or she has been*
34 *licensed by the bureau previously, furnish the bureau with evidence*
35 *that his or her license was not suspended or revoked for unethical*
36 *conduct.*

37 *SEC. 3. No reimbursement is required by this act pursuant to*
38 *Section 6 of Article XIII B of the California Constitution because*
39 *the only costs that may be incurred by a local agency or school*
40 *district will be incurred because this act creates a new crime or*

1 *infraction, eliminates a crime or infraction, or changes the penalty*
2 *for a crime or infraction, within the meaning of Section 17556 of*
3 *the Government Code, or changes the definition of a crime within*
4 *the meaning of Section 6 of Article XIII B of the California*
5 *Constitution.*

6 ~~SECTION 1. Section 6060.2 of the Business and Professions~~
7 ~~Code is amended to read:~~

8 ~~6060.2. All investigations or proceedings conducted by the~~
9 ~~State Bar relating to the moral character of an applicant shall be~~
10 ~~confidential unless the applicant, in writing, waives the~~
11 ~~confidentiality. However, the records of the proceeding may be~~
12 ~~subject to lawfully issued subpoenas.~~